

STEPTOE & JOHNSON LLP **DOCKET FILE COPY ORIGINAL**
ATTORNEYS AT LAW

1330 CONNECTICUT AVENUE, N.W.
WASHINGTON, D.C. 20036-1795

(202) 429-3000
FACSIMILE: (202) 429-3902
TELEX: 89-2503

STEPTOE & JOHNSON INTERNATIONAL
AFFILIATE IN MOSCOW, RUSSIA

TELEPHONE: (011-7-501) 258-5250
FACSIMILE: (011-7-501) 258-5251

PHOENIX, ARIZONA
TWO RENAISSANCE SQUARE

TELEPHONE: (602) 257-5200
FACSIMILE: (602) 257-5299

ALFRED M. MAMLET
(202) 429-6205
amamlet@steptoe.com

February 27, 1998

BY HAND DELIVERY

Ms. Magalie Roman Salas
Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, DC 20554

**Re: Reply to Opposition to Petition for Clarification, or in the Alternative,
Reconsideration of IDB Mobile Communications, Inc., IB Docket No.
96-111**

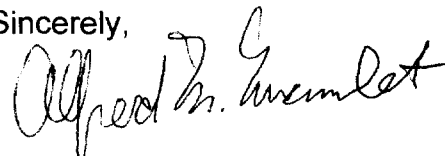
Dear Ms. Salas:

On behalf of IDB Mobile Communications, Inc. ("IDB Mobile"), enclosed for filing are an original and 11 copies of IDB Mobile's Reply to Petition for Clarification, or in the Alternative, Reconsideration in the above-referenced proceeding.

Also enclosed is an additional copy that we ask you to date stamp and return with our messenger.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Alfred M. Mamlet

**Counsel for IDB Mobile
Communications, Inc.**

Enclosures

No. of Copies rec'd
List ABCDE

0211

RECEIVED
FEB 27 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED
FEB 27 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of:

**Amendment of the Commission's
Regulatory Policies to Allow Non-U.S.-
Licensed Space Stations to Provide
Domestic and International Satellite
Service in the United States**

IB Docket No. 96-111

**REPLY TO OPPOSITION TO PETITION FOR CLARIFICATION, OR
IN THE ALTERNATIVE, RECONSIDERATION**

IDB Mobile Communications, Inc. ("IDB Mobile") submits this Reply to the Opposition of COMSAT Corporation ("COMSAT") to the Petition for Clarification, or in the Alternative, Reconsideration filed in the above-captioned proceeding.¹ As COMSAT correctly notes, IDB Mobile, in its Petition for Clarification,² takes issue with only a single sentence in the Commission's *DISCO-II Order*.³

Since COMSAT is currently the sole provider of INTELSAT and Inmarsat capacity in the United States and the U.S. has

¹ Opposition of COMSAT Corporation to Petitions for Reconsideration, IB Docket No. 96-11 (filed Feb. 17, 1998) ("COMSAT Opposition").

² Petition for Clarification, or in the Alternative, Reconsideration of IDB Mobile Communications, Inc., IB Docket No. 96-111 (filed Jan. 5, 1998) ("IDB Mobile Petition").

³ *Amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Space Stations to Provide Domestic and International Satellite Service in the United States*, IB Dkt. No. 96-111, FCC 97-399 (Nov. 25, 1997) ("*DISCO-II Order*").

no obligation to allow access under the WTO Basic Telecom Agreement, the entry standard we set out is limited to applications from COMSAT.⁴

The Commission's statement is inaccurate because IDB Mobile itself holds numerous authorizations to provide Inmarsat capacity and services in the United States.⁵ Further, IDB Mobile is itself authorized to provide Inmarsat capacity in both the shore-to-ship and ship-to-shore directions using foreign land earth stations ("LESS").⁶ This space segment capacity provided over these LESSs is provided by Inmarsat Signatories other than COMSAT. Thus, the Commission's statement is, quite simply, inaccurate.

Apparently, COMSAT believes that the issue raised by IDB Mobile's Petition relates only to COMSAT's claimed monopoly over Inmarsat space segment in the United States. Thus, COMSAT urges the Commission to "reject this flagrant attempt to use this rulemaking, at this late stage, to obtain a declaratory ruling on this issue."⁷ This is not IDB Mobile's intent. Indeed, IDB Mobile has, in fact, already filed a Petition for Declaratory Ruling on this issue.⁸ Rather, IDB Mobile's intent is simply to correct an inaccurate statement.

⁴ *DISCO-II Order*, ¶ 118.

⁵ See IDB Mobile Petition for Reconsideration at 4-6.

⁶ IDB Mobile Petition at 2-4. IDB Mobile addressed the legal basis for its authorizations under the Maritime Satellite Act to demonstrate that the authorizations are fully consistent with the Act.

⁷ COMSAT Opposition at 16.

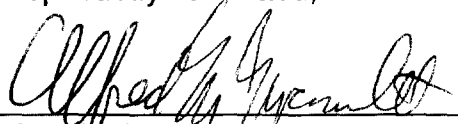
⁸ See Stratos Mobile Networks (USA), LLC and IDB Mobile Communications, Inc. Petition for Declaratory Ruling (filed Feb. 23, 1998).

The inaccurate statement is significant because it could negatively affect the Commission's procedures for processing applications from competitive providers of Inmarsat capacity. In the interest of ensuring competition, and ensuring that U.S. consumers enjoy the benefits of such competition, the Commission should thus not only clarify that there are, in fact, providers of Inmarsat capacity other than COMSAT, but also that it will apply the same standards to service applications filed by such competing providers.

For the reasons stated above, IDB Mobile urges the Commission to reject COMSAT's Opposition as it pertains to IDB Mobile's Petition for Clarification. Instead, the Commission should amend the DISCO-II Order (1) to correct its statement that "COMSAT is currently the sole provider of . . . Inmarsat capacity in the United States" and (2) explicitly to permit entities other than COMSAT to apply for authority to provide Inmarsat services in the United States.⁹

Dated: February 27, 1998

Respectfully submitted,


Alfred M. Mamlet
Colleen A. Sechrest
Step toe & Johnson LLP
1330 Connecticut Avenue, N.W.
Washington, D.C. 20036
(202) 429-3000

Counsel for:
IDB Mobile Communications, Inc.

⁹ IDB Mobile reserves the right to file an application to provide Inmarsat domestic services while its Petition is pending.

CERTIFICATE OF SERVICE

I, Fran T. Gates, hereby certify that the foregoing Petition for Clarification, or in the Alternative, Reconsideration was served, via first class mail, postage prepaid, this 27th day of February 1998, on the following persons:

James Ball, Associate Bureau Chief
International Bureau
Federal Communications Commission
Room 800, Stop Code 0800
2000 M Street, N.W.
Washington, D.C. 20554

Tania Hanna
Telecommunications Division
International Bureau
Federal Communications Commission
Room 506, Stop Code 0800
2000 M Street, N.W.
Washington, D.C. 20554

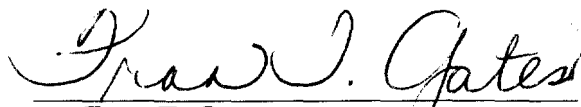
Regina Keeney, Chief
International Bureau
Federal Communications Commission
Room 800, Stop Code 0800
2000 M Street, N.W.
Washington, D.C. 20554

Neil T. Kilminster
Comsat Corporation
6560 Rock Spring Drive
Bethesda, MD 20817

Linda Haller
Telecommunications Divisions
International Bureau
Federal Communications
Commission
Room 580, Stop Code 0800
2000 M Street, N.W.
Washington, D.C. 20554

Fern Jamulnek, Chief Policy Branch
Satellite Division
International Bureau
Federal Communications
Commission
Room 658, Stop Code 16001
2000 M Street, N.W.
Washington, D.C. 20554

Laurie Sherman
Telecommunications Division
International Bureau
Federal Communications
Commission
Room 840, Stop Code 0800
2000 M Street, N.W.
Washington, D.C. 20554


Fran T. Gates
Steptoe & Johnson LLP
1330 Connecticut Ave., N.W.
Washington, D.C. 20036-1795